

OGC 82-11090
16 December 1982

DD/A REGISTRY

FILE: 100-13

MEMORANDUM FOR: Director of Central Intelligence

FROM: Stanley Sporkin
General Counsel

SUBJECT: Fiscal Year 1984 Intelligence
Authorization Bill

1. The draft Fiscal Year 1984 Intelligence Authorization Bill has been coordinated within the Agency and with the Intelligence Community Staff, and it is ready for transmittal to the Office of Management and Budget.

2. Titles I through III and Title VIII of the draft Bill are, for the most part, routine and similar in substance to comparable provisions in the Fiscal Year 1983 and previous Authorization Acts, with the following key exceptions:

- The Bill has been structured to provide for a classified IC Staff budget. This methodology will have to be explained and justified at our budget hearings.
- Section 103 is a Community-wide version of the "two percent over ceiling" provision in the FY 1983 Authorization Act. It should be noted that the Conference Report on that Act describes this provision as representing ". . . the unique congruence of both opportunity and need within the last few months of the fiscal year." The Conference Report goes on to declare that "Ordinarily, such authority is not needed." Obviously, we will need to be prepared with convincing justification for this section.
- Section 203 is designed to provide a permanent solution to problems associated with appointment of an officer of the armed forces as Director or Deputy Director of the IC Staff.

3. Titles IV through VII and Title IX of the draft Bill contain substantive legislative initiatives in the following areas:

- Title IV: Unauthorized Disclosures of Classified Information.

- Title V: Technical and Conforming Amendments Related to the Intelligence Identities Protection Act of 1982.
- Title VI: Age-Related Eligibility for Appointment to Certain CIA Positions, and Avoidance of Penalty for Mandatory Retirement Prior to Age 62.
- Title VII: Amendments to the Foreign Intelligence Surveillance Act.
- Title IX: Modification of Certain Naturalization Requirements.

4. Some of these initiatives will be controversial, and they will not all be suitable for inclusion in the Authorization Bill when it is transmitted to the Congress. The Comptroller is especially concerned that we recognize congressional efforts to deal with the Intelligence Authorization as unobtrusively as possible, and that we not disrupt this process by seeking to include controversial provisions. I recommend that we proceed with transmittal of the complete package to OMB, however, because inclusion of Titles IV through VII and Title IX at this stage provides the best method of obtaining timely Administration clearance of these proposals so that, if we so choose, we can pursue them as separate initiatives early in the 98th Congress.

5. The Office of Management and Budget will circulate the draft Intelligence Authorization Bill within the Intelligence Community and to additional agencies such as the Department of Justice. Because pressure to clear and transmit Authorization Bills is strong during December and the early months of the new year, we stand a much better chance of obtaining Administration clearance (or at least timely negative comments) on our substantive proposals if we include them in our draft Authorization Bill than if we were to send them to OMB as separate items. Based upon the outcome of the Administration clearance process and consultation with the Comptroller and others, I will retransmit the Authorization Bill package for DCI approval when it is ready to be sent to the Congress. At that time we will be in a better position to recommend which of the substantive legislative initiatives ought to be retained or deleted. The Comptroller concurs in this approach.

6. Please note that the draft Bill does not contain a proposal submitted by the Department of Defense on 3 December related to specific statutory authority for DOD to establish and use proprietary corporations for military intelligence collection purposes. The Operations Directorate and the Comptroller agree that careful analysis of this proposal's relationship to DOD clandestine operations is needed before DCI support can be recommended. In any event, it is not at all clear that the Intelligence Authorization Bill would be the most appropriate legislative vehicle for such a proposal.

7. It is requested, therefore, that you sign the letter transmitting the draft Bill to the Director of the Office of Management and Budget.



Stanley Sporkin

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Attachments

cc: DDO
DDI
DDS&T
✓ EDA
Comptroller
IC Staff



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REPLACES FORM 36-8
WHICH MAY BE USED

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